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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/010,959	11/30/2001	Mark Muhlestein	103.1074.01	5673
22883	7590	02/23/2006	EXAMINER	
SWERNOFSKY LAW GROUP PC P.O. BOX 390013 MOUNTAIN VIEW, CA 94039-0013			KHOSHNOODI, NADIA	
			ART UNIT	PAPER NUMBER
			2137	
DATE MAILED: 02/23/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/010,959	MUHLESTEIN, MARK	
	Examiner	Art Unit	
	Nadia Khoshnoodi	2137	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 November 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>2/12-23-2005</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

Applicant's arguments/amendments with respect to amended claims 1, 4, 11, 16, 21, 27, 30, & 37 and previously presented claims 2-3, 5-10, 12-15, 17-20, 22-26, 28-41 filed 11/10/2005 have been fully considered and therefore the claims are rejected under new grounds. The Examiner would like to point out that this action is made final (See MPEP 706.07a).

Previous objections with regards to the drawings are withdrawn based on the amendments filed 11/10/2005.

Claim Rejections - 35 USC § 103

I. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

II. Claims 1-4, 6-7, 13-14, 16-18, 20-22, 24-25, 27-30, 32-33, and 39-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garrison, U.S. Patent No. 6,275,939 and further in view of Ji et al., U.S. Patent No. 5,623,600.

As per claims 1 and 27:

Garrison substantially teaches a method and memory/mass storage including receiving a user request for data at a server (col. 7, lines 50-52); performing an operation on data associated with said data at a cluster device, said operation including accessing said data at said server (col.

8, lines 5-25); and conditionally allowing access to said data in response to said user request (col. 7, lines 52-67).

Not explicitly disclosed is an object and determining a result of scanning the object at said cluster device. However, Ji et al. teach users requesting a file where the file is scanned in order to determine whether a virus exists within that file. Therefore, it would have been obvious to a person in the art at the time the invention was made to modify the method disclosed in Garrison for the user to request a file and the cluster device to scan the file to determine whether or not a virus exists in order to prevent the client from being infected with a virus. This modification would have been obvious because a person having ordinary skill in the art, at the time the invention was made, would have been motivated to do so since Ji et al. suggest that there is a great need to detect viruses hidden in various files without effecting the performance on the client's computer in col. 2, lines 30-36 and col. 7, line 51 – col. 8, line 19.

Also not explicitly disclosed is allowing access conditionally based on the result as well as the user request. However, Ji et al. teach that based on the configuration file, if a virus has been detected there is an option to disallow transferring the file. Therefore, it would have been obvious to a person in the art at the time the invention was made to modify the method disclosed in Garrison for the user to request a file and the cluster device to scan the file to determine whether or not a virus exists in order to prevent the client from being infected with a virus. This modification would have been obvious because a person having ordinary skill in the art, at the time the invention was made, would have been motivated to do so since Ji et al. suggest that there is a great need to detect viruses hidden in various files without effecting the performance on the client's computer in col. 2, lines 30-36 and col. 8, lines 4-16.

As per claims 2, 17, and 28:

Garrison and Ji et al. substantially teach a method, an apparatus, and memory/mass storage as in claims 1, 16, and 27. Not explicitly disclosed is including conditioning said operation on a feature of said object, said feature including at least one of: a file name, a file type, a file-system share. However, Garrison teaches that the data is requested using a codeword. Therefore, it would have been obvious to a person in the art at the time the invention was made to modify the method disclosed in Garrison to have the codeword represent the filename for the data being requested in order to determine whether or not the user has access to that file depending on their access rights. This modification would have been obvious because a person having ordinary skill in the art, at the time the invention was made, would have been motivated to do so since it is suggested by Garrison in col. 11, lines 1-17.

As per claims 3, 18, and 29:

Garrison and Ji et al. substantially teach a method, an apparatus, and memory/mass storage as in claims 1, 16, and 27. Furthermore, Garrison teaches a type of access associated with said user request wherein said operation is performed for an intersection of at least one feature and at least one type of access (col. 7, lines 33-67).

Not explicitly disclosed is including conditioning said operation on an intersection of a feature of said object, said feature including at least one of: a file name, a file type, a filesystem share. However, Garrison teaches that the data is requested using a codeword. Therefore, it would have been obvious to a person in the art at the time the invention was made to modify the method disclosed in Garrison to have the codeword represent the filename for the data being requested in order to determine whether or not the user has access to that file depending on their

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access rights. This modification would have been obvious because a person having ordinary skill in the art, at the time the invention was made, would have been motivated to do so since it is suggested by Garrison in col. 11, lines 1-17.

As per claims 4, 22, and 30:

Garrison and Ji et al. substantially teach a method, an apparatus, and memory/mass storage as in claims 1, 16, and 27. Not explicitly disclosed is including persistently recording a result of said operation in association with said object. However, Garrison teaches that the server records the information sent back from the database and further decides which aspects of the data the user is allowed to access. Therefore, it would have been obvious to a person in the art at the time the invention was made to modify the method disclosed in Garrison to persistently record the resulting information associated with the object. This modification would have been obvious because a person having ordinary skill in the art, at the time the invention was made, would have been motivated to do so since it is suggested by Garrison in col. 12, lines 5-34.

As per claims 6 and 32:

Garrison and Ji et al. substantially teach a method and memory/mass storage as in claims 1 and 27. Furthermore, Garrison teaches wherein said operation includes a plurality of processes, each one process being performed at a separate cluster device (col. 8, lines 38-59).

As per claims 7, 21, and 33:

Garrison and Ji et al. substantially teach a method, an apparatus, and memory/mass storage as in claims 1, 16, and 27. Furthermore, Garrison teaches wherein said operation includes at least one of: virus scanning, encryption or decryption, compression or decompression (col. 8, line 60 – col. 9, line 54).

As per claims 13, 24, and 39:

Garrison and Ji et al. substantially teach a method, an apparatus, and memory/mass storage as in claims 1, 16, and 27. Furthermore, Garrison teaches including conditioning said operation on a type of access associated with said user request (col. 8, lines 1-5).

As per claims 14, 25, and 40:

Garrison and Ji et al. substantially teach a method, an apparatus, and memory/mass storage as in claims 13, 24, and 39. Furthermore, Garrison teaches wherein said operation is performed before allowing access to said object for requests including read access (col. 7, line 50 – col. 8, line 37).

As per claim 16:

Garrison et al. substantially teach the apparatus including a server having sets of data and a network interface (col. 7, line 50-67 and col. 8, line 60 – col. 9, line 4); a user request for at least one requested one of said objects (col. 7, lines 25-30); a cluster device (col. 8, lines 5-9); a first message from said server to said cluster device, said first message indicating said requested one object (col. 8, lines 5-19); a second message from said cluster device to said server (col. 8, lines 19-25).

Not explicitly disclosed is said second message indicating a result of a scanning operation performed at said cluster device on said requested one object. However, Ji et al. teach users requesting a file where the file is scanned in order to determine whether a virus exists within that file. Therefore, it would have been obvious to a person in the art at the time the invention was made to modify the method disclosed in Garrison for the user to request a file and the cluster device to scan the file to determine whether or not a virus exists in order to prevent the client

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from being infected with a virus. This modification would have been obvious because a person having ordinary skill in the art, at the time the invention was made, would have been motivated to do so since Ji et al. suggest that there is a great need to detect viruses hidden in various files without effecting the performance on the client's computer in col. 2, lines 30-36 and col. 7, line 51 – col. 8, line 19.

Also not explicitly disclosed is a response to said user request, said response including conditional access to said object in response to said second message. However, Ji et al. teach that based on the configuration file, if a virus has been detected there is an option to disallow transferring the file. Therefore, it would have been obvious to a person in the art at the time the invention was made to modify the method disclosed in Garrison for the user to request a file and the cluster device to scan the file to determine whether or not a virus exists in order to prevent the client from being infected with a virus. This modification would have been obvious because a person having ordinary skill in the art, at the time the invention was made, would have been motivated to do so since Ji et al. suggest that there is a great need to detect viruses hidden in various files without effecting the performance on the client's computer in col. 2, lines 30-36 and col. 8, lines 4-16.

As per claim 20:

Garrison and Ji et al. substantially teach an apparatus as in claim 16. Furthermore, Garrison teaches the apparatus including a plurality of said first messages directed at separate said cluster devices in response to a single said user request (col. 8, lines 38-59).

III. Claims 5, 8-12, 15, 19, 23, 26, 31, 34-38, and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garrison, U.S. Patent No. 6,275,939 and Ji et al., U.S. Patent No.

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5,623,600, as applied to claims 1, 16, and 27 above and further in view of Midgely et al., US Patent No. 5,604,862.

As per claims 5, 19, and 31:

Garrison and Ji et al. substantially teach a method, an apparatus, and memory/mass storage as in claims 1, 16, and 27. Not explicitly disclosed is including selecting said cluster device to perform said operation in response to a priority class associated with said cluster device. However, Midgely et al. teach that each cluster device maintains a hierarchical storage system. Therefore, it would have been obvious to a person in the art at the time the invention was made to modify the method disclosed in Garrison for the cluster device to perform the operation in response to a query for a more frequently used item that the cluster has stored in the faster, yet more expensive memory. This modification would have been obvious because a person having ordinary skill in the art, at the time the invention was made, would have been motivated to do so since it is suggested by Midgely et al. in col. 1, lines 39-46.

As per claims 8 and 34:

Garrison and Ji et al. substantially teach a method and memory/mass storage as in claims 1 and 27. Not explicitly disclosed is wherein said operation includes setting a timeout at said server; resetting said timeout in response to receiving a response from said cluster device to a protocol message asking if said cluster device is still working on said operation; and determining that said operation is successful in response to receiving a response from said cluster device before said timeout expires. However, Midgely et al. teach that if there is an unresponsive server, the replica takes over in order to respond with the data requested in order to show that the device is down. Therefore, it would have been obvious to a person in the art at the time the

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invention was made to modify the method disclosed in Garrison to use a timeout that will shows the device is down if it is not reset as working on the request. This modification would have been obvious because a person having ordinary skill in the art, at the time the invention was made, would have been motivated to do so since it is suggested by Midgely et al. in col. 5, lines 23-45.

As per claims 9 and 35:

Garrison and Ji et al. substantially teach a method and memory/mass storage as in claims 1 and 27. Not explicitly disclosed is including assigning an access type to said cluster device, said access type allowing said cluster device to perform said operation notwithstanding user locks associated with said object. However, Midgely et al. teach the cluster device having a list that allows it access, but disallows user access at that time. Therefore, it would have been obvious to a person in the art at the time the invention was made to modify the method disclosed in Garrison to assign an access type to the cluster device, allowing the device to access the file. This modification would have been obvious because a person having ordinary skill in the art, at the time the invention was made, would have been motivated to do so since it is suggested by Midgely et al. in col. 6, lines 34-64.

As per claims 10 and 36:

Garrison and Ji et al. substantially teach a method and memory/mass storage as in claims 9 and 35. Not explicitly disclosed is including restricting said access type in response to at least one of: a selected set of network addresses for said cluster device, a selected set of domain names for said cluster device, a selected set of user names at said cluster device, a selected set of interfaces between said server and said cluster device. However, Midgely et al. teach that access is restricted to a selected set of user names at the cluster device. Therefore, it would have been

obvious to a person in the art at the time the invention was made to modify the method disclosed in Garrison to further restrict the client's access to a selected set of user names at the cluster device in order to ensure that the requesting user is in fact authorized to access the particular file being requested. This modification would have been obvious because a person having ordinary skill in the art, at the time the invention was made, would have been motivated to do so since it is suggested by Midgely et al. in col. 6, lines 42-64.

As per claims 11 and 37:

Garrison and Midgely et al. substantially teach a method and memory/mass storage as in claims 1 and 27. Not explicitly disclosed is including at a first time, recording a result of said operation for said object; and at a second time, conditioning said operation on said result. However, Midgely et al. teach keeping track of every file including a timestamp which keeps track of when the file was originally created and last accessed. Therefore, it would have been obvious to a person in the art at the time the invention was made to modify the method disclosed in Garrison to keep track of the various times that an entity could have accessed or modified a file in order to possibly trace how/when the virus was implanted and even possibly to determine the entity that is responsible for the virus. This modification would have been obvious because a person having ordinary skill in the art, at the time the invention was made, would have been motivated to do so since it is suggested by Midgely et al. in col. 10, lines 9-39.

As per claims 12, 23, and 38:

Garrison and Ji et al. substantially teach a method, an apparatus, and memory/mass storage as in claims 11, 22, and 37. Furthermore, Ji et al. teach wherein said result includes at least one of: a time when said operation was performed, remedial measures taken in response to

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said operation, whether access was allowed in response to said operation (col. 7, line 65 – col. 8, line 6).

As per claims 15, 26, and 41:

Garrison and Ji et al. substantially teach a method, an apparatus, and memory/mass storage as in claims 13, 24, and 39. Furthermore, Garrison teaches wherein said operation is performed after allowing access to said object for requests (col. 7, line 50 – col. 8, line 37). Not explicitly disclosed is the request including write access. However, Midgely et al. teach that clients request files in order to update a file. Therefore, it would have been obvious to a person in the art at the time the invention was made to modify the method disclosed in Garrison for the request to include write access. This modification would have been obvious because a person having ordinary skill in the art, at the time the invention was made, would have been motivated to do so since it is suggested by Midgely et al. in col. 4, lines 13-26.

**References Cited, Not Used*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1. US Patent No. 6,327,658
2. US Patent No. 6,918,113
3. US Patent No. 6,226,752
4. US Patent No. 6,088,803

The above references have been cited because they are relevant due to the manner in which the invention has been claimed.


Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nadia Khoshnoodi whose telephone number is (571) 272-3825. The examiner can normally be reached on M-F: 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


Nadia Khoshnoodi
Examiner
Art Unit 2137
2/17/2006

NK


EMMANUEL L. MOISE
SUPERVISORY PATENT EXAMINER